

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

SOUTH CAROLINA COASTAL
CONSERVATION LEAGUE, et al.,

Plaintiffs,

v.

WILBUR ROSS, in his official capacity as the
Secretary of Commerce, et al.,

Defendants.

CITY OF BEAUFORT, et al.,

Plaintiffs,

v.

NATIONAL MARINE FISHERIES
SERVICE, et al.,

Defendants.

Civil Action No. 2:18-cv-03326-RMG
(Consolidated with 2:18-cv-3327-RMG)

INTERVENOR-DEFENDANTS'
RESPONSE IN OPPOSITION TO
MOTION FOR LEAVE FOR THE
NORTH CAROLINA TOWNS OF OAK
ISLAND, CASWELL BEACH, AND
SUNSET BEACH TO FILE AN AMICI
CURIAE BRIEF IN SUPPORT OF
PLAINTIFFS' MOTION FOR A
PRELIMINARY INJUNCTION

Intervenor-Defendants International Association of Geophysical Contractors, CGG Services (U.S.) Inc., GX Technology Corporation, Spectrum Geo Inc., TGS-NOPEC Geophysical Company, WesternGeco LLC, and American Petroleum Institute respectfully submit this response to the belated motion for leave to file an *amicus* brief submitted by the Town of Oak Island, the Town of Sunset Beach, and the Town of Caswell Beach (the "Towns"). The parties to this case have collectively filed no less than 14 substantive briefs either supporting or opposing the pending motions for a preliminary injunction. *See* Dkt. Nos. 124-1, 143-1, 146-1, 148-1, 212, 221, 223, 227, 231, 232, 233, 237, 241, 247. There is no need for yet another brief,

RESPONSE TO MOTION FOR
LEAVE TO FILE *AMICUS* BRIEF – 1

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particularly when the Towns have failed to state an interest that is any different than the interests stated by the numerous municipalities and states who are already parties to this case.

Additionally, the Towns' motion is untimely. The principal briefs supporting the motions for a preliminary injunction were filed on February 20th, February 28th, and March 1st, respectively. *See* Dkt. Nos. 124, 143, 146. The Towns did not file the present motion until April 8th, after the conclusion of all briefing on the motions for a preliminary injunction. *See* Dkt. 251. The belated filing of an *amicus* brief after briefing on the pending motions is complete would unfairly deprive the defendants of the opportunity to respond, and the Towns provide no justification for their inability to have filed the motion in a timely fashion. For these reasons, the Towns' motion should be denied.

DATED: April 16, 2019.

Respectfully submitted,

s/ Sean D. Houseal

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